

#29
ECW

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Arlington, VA 22202, on the date appearing below.
ELI LILLY AND COMPANY

By

YSRoades

Date

9-13-02

PATENT IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. : 6,380,357 B2
Issued: : Apr. 30, 2002
On an Application of : Hermeling, et al.
Serial No. : 09/209,799
Filed : Dec. 11, 1998
Entitled : GLUCAGON-LIKE PEPTIDE-1 CRYSTALS
Docket No. : X-10242

RECEIVED

SEP 18 2002

Office of Patent Publication
Director's Office

Certificate

SEP 30 2002

of Correction

REQUEST FOR CERTIFICATE OF CORRECTION

UNDER 37 C.F.R. 1.322

Assistant Commissioner for Patents
Arlington, VA 22202
Sir:

The Patentees of the above-identified patent respectfully request that you issue a Certificate of Correction without charge under 37 C.F.R. 1.322 to correct errors which occurred during the printing of the patent. The errors are clearly evident from papers filed in the above-cited application. Attached are two copies of Form PTO 1050 on which the errors are specified.

CORRECTION AS TO BENEFIT UNDER 35 U.S.C. 119(e)

The title page of the printed patent should list provisional application No. 60/069728, filed on December 16, 1997, in a section entitled "Related U.S. Application Data." A claim for benefit of the properly filed provisional application was made in three separate application papers submitted by the Patentees during prosecution leading to grant of the patent.

SEP 30 2002

Provisional patent application No. 60/069728 entitled "GLUCAGON-LIKE PEPTIDE-1 CRYSTALS" was filed with the USPTO on December 16, 1997. A photocopy of the USPTO filing receipt verifying receipt of the application, the filing date and payment of the \$150 filing fee is enclosed.

Patentees first claimed benefit of priority of this provisional application for application Serial No. 09/209,799 in a Declaration and Power of Attorney document that was submitted to the USPTO on December 11, 1998, the same day the non-provisional application was filed. Photocopies of this document and the date-stamped postcard confirming its receipt by the USPTO are enclosed.

The original filing receipt for the non-provisional application cited above, however, did not list the specified provisional application. A photocopy of this filing receipt, which Patentees received on Feb. 9, 1999, is enclosed.

Patentees requested correction of the filing receipt to note our claim for benefit of the provisional application in a letter sent to the USPTO on Apr. 1, 1999. This communication was received by the OIPE on Apr. 12, 1999, as shown in a date-stamped return postcard. Photocopies of the request and the return postcard are enclosed.

A corrected filing receipt was sent by the USPTO to the Patentees on Mar. 29, 2001, however, the claim for priority to the provisional application was still absent. A photocopy of this corrected filing receipt is enclosed.

Patentees again requested correction of the filing receipt in a letter that was sent to the USPTO on June 7, 2001 and which was received by the OIPE section of the USPTO on June 11, 2001. Photocopies of this letter and the date-stamped return postcard are enclosed.

Despite these requests, Patentees did not receive a properly corrected filing receipt for application Ser. No. 09/209,799 that includes the priority claim for provisional application No. 60/069728.

In light of the application record cited above it is clear that priority to the provisional application is appropriate. Therefore, Patentees respectfully request correction of the title page of the issued patent to include the provisional application in the "Related U.S. Application Data" section.

CORRECTION OF TYPOGRAPHICAL ERRORS

Patentees request correction of two minor typographical errors in the claims in columns 29 and 30. Evidence supporting correction of these errors is shown in part 2 of the Examiner's Amendment of August 8, 2001, in which pending claim 33 (patent claim 1) and pending claim 77 (patent claim 11) were amended. Photocopies of the Examiner's Amendment and the communication showing the then-pending claims sent to the USPTO by the Patentees by facsimile on August 8, 2001 are enclosed.

Respectfully submitted,



Mark J. Stewart
Attorney for Patentees
Registration No. 43,936
Phone: 317-276-0280

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

August 29, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,380,357 B2

DATED : April 30, 2002

Page 1 of 1

INVENTOR(S) : Ronald Norbert Hermeling, James Arthur Hoffmann and Chakravarthy Narasimhan

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Following Item "[22], Filed: Dec. 11, 1998" insert the subheading -- **Related U.S. Application Data** -- and below this subheading insert -- [60] Provisional application No. 60/069728, filed on Dec. 16, 1997. --.

Column 29,

Line 33, following the word "zinc" delete "," and insert -- ; --.

Column 30,

Line 40, following the word "sulfate" delete "and" and insert -- ; --.

Signed and Sealed this

Eighteenth Day of February, 2003



JAMES E. ROGAN
Director of the United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,380,357 B2

DATED : Apr. 30, 2002

INVENTOR(S) : Ronald Norbert Hermeling, James Arthur Hoffmann and
Chakravarthy Narasimhan

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Item
~~On the~~ title page, following ~~the line~~ "(22) Filed: Dec. 11, 1998" insert the subheading --**Related U.S. Application Data**-- and below this subheading insert --(60) Provisional application No. 60/069728, filed on Dec. 16, 1997.--
aka

In column 29, line 33, following the word "zinc" delete "," and insert --;--.
C

In column 30, line 40, following the word "sulfate" delete "and" and insert --;--.
C

MAILING ADDRESS OF SENDER:
Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

PATENT NO. 6,380,357 B2

PROVISIONAL APPLICATION
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS
60/069,728	12/16/97	\$150.00	P-10242	0

ELI LILLY AND COMPANY
PATENT DIVISION/D C 1104
LILLY CORPORATE CENTER
INDIANAPOLIS IN 46285

Rsm

Receipt is acknowledged of this Provisional Application. This Provisional Application will not be examined for patentability. Be sure to provide the PROVISIONAL APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to Box Provisional Application within 10 days of receipt. Please provide a copy of the Provisional Application Filing Receipt with the changes noted thereon. This Provisional Application will automatically be abandoned twelve (12) months after its filing date and will not be subject to revival to restore it to pending status beyond a date which is after twelve (12) months from its filing date.

Applicant(s) RONALD NORBERT HERMELING, INDIANAPOLIS, IN;
JAMES ARTHUR HOFFMANN, GREENWOOD, IN.

FOREIGN FILING LICENSE GRANTED 03/17/98
TITLE
GLUCAGON-LIKE PEPTIDE-1 CRYSTALS

RECEIVED

MAR 24 1998

ELI LILLY & CO
PATENT DIVISION

DECLARATION AND POWER OF ATTORNEY

Docket No. X-10242

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the invention entitled

GLUCAGON LIKE PEPTIDE-1 CRYSTALS

which is described and claimed in the specification which:

(check [X] is attached hereto.
one) [] was filed on _____ as United States
Application Serial No. _____
or
PCT International Application No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined 37 C.F.R. 1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional patent application(s) listed below.

60/069728
(Application Number)

December 16, 1997
(Filing Date)

(Application Number)

(Filing Date)

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

<u>Attorney</u>	<u>Reg. No.</u>	<u>Attorney</u>	<u>Reg. No.</u>
Brian P. Barrett	39,597	Robert E. Lee	27,919
Michael T. Bates	34,121	James P. Leeds	35,241
Roger S. Benjamin	27,025	Nelsen L. Lentz	38,537
William R. Boudreaux	35,796	Ronald S. Maciak	35,262
Steven P. Caltrider	36,467	Janet T. McClain	36,863
Paul R. Cantrell	36,470	Scott A. McNeil	37,185
Daniel W. Collins	31,912	Arlene K. Musser	37,895
Robert A. Conrad	32,089	Douglas K. Norman	33,267
Anne I. Craig	32,976	Arleen Palmberg	40,422
Paul R. Darkes	33,862	Kathleen R. S. Page	20,981
Steven G. Davis	39,652	Thomas G. Plant	35,784
John C. Demeter	30,167	James J. Sales	33,773
John H. Engelmann	28,075	David M. Stemerick	40,187
Paul J. Gaylo	36,808	Mark J. Stewart	P43,936
Edward P. Gray	30,638	Janelle D. Strode	34,738
Amy E. Hamilton	33,894	Robert D. Titus	40,206
Frederick D. Hunter	26,915	Guy K. Townsend	34,033
Thomas E. Jackson	33,064	Barbara Twardzik	36,386
Charles Joyner	30,466	MaCharri Vorndran-Jones	36,711
James J. Kelley	41,888	Gilbert T. Voy	P43,972
Paul J. Koivuniemi	31,533	Thomas D. Webster	39,872
		Lawrence T. Welch	29,487

said Robert A. Conrad to have in addition the power to revoke the power granted to all others listed above.

Send Correspondence To:

ELI LILLY AND COMPANY
Patent Division/RSM
Lilly Corporate Center
Indianapolis, Indiana 46285

Direct Telephone Calls To:
(name and telephone No.)

RONALD S. MACIAK
317-276-1664

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or
or First Inventor : RONALD NORBERT HERMELING

Inventor's Signature : Ronald Norbert Hermeling Date: 12/11/98

Residence Address : 915 East Woodhill Drive
Indianapolis, Indiana 46227

Post Office Address : SAME AS ABOVE

Citizenship : USA

Full Name of Second

Joint Inventor, if Any: JAMES ARTHUR HOFFMANN

Inventor's Signature: James Arthur Hoffmann Date: 12/11/98Residence Address : 4272 Woodland Streams Drive
Greenwood, Indiana 46143

Post Office Address : SAME AS ABOVE

Citizenship : USA

Full Name of Third

Joint Inventor, if Any: CHAKRAVARTHY NARASIMHAN

Inventor's Signature : Chakravarthy Narasimhan Date: 12/11/98Residence Address : 10744 Putnam Place
Carmel, Indiana 46032

Post Office Address : SAME AS ABOVE

Citizenship : India

PATENT

Dkt No. X-10242 Att'y RSM

RECEIVED BY THE UNITED STATES PATENT & TRADEMARK OFFICE

Org X, CIP , Div , Con , Prov , PCT Nat'l
Application of: Ronald Norbert Hermeling, et al.
Titled: GLUCAGON LIKE PEPTIDE-1 CRYSTALS



Consisting of Fee Transmittal, Utility Patent Transmittal and:

Claims, Abstract, Specification (38 pages), Drawings (sheets)

Declaration and Power of Attorney X

National Phase Declaration

Preliminary Amendment

Stmt 821 X; Diskette X

Miscellaneous Papers:

IDS/1449 X, copies of

Assignment and Recordation Form Cover Sheet art cited

Paper copy of Sequence Listing



Exp: Mail Label No. EL041986883US

X

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/209,799	12/11/98	1646	\$850.00	X-10242	0	25	3

ROBERT A CONRAD
ELI LILLY AND COMPANY
PATENT DIVISION/RSM ✓
LILLY CORPORATE CENTER
INDIANAPOLIS IN 46285

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

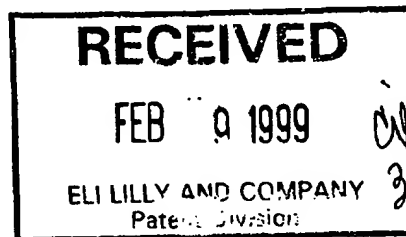
Applicant(s)

RONALD NORBERT HERMELING, INDIANAPOLIS, IN;
JAMES ARTHUR HOFFMANN, GREENWOOD, IN; CHAKAVARTHY
NARASIMHAN, CARMEL, IN.

Provisional

FOREIGN FILING LICENSE GRANTED 01/28/99
TITLE
GLUCAGON-LIKE PEPTIDE-1 CRYSTALS

PRELIMINARY CLASS: 514



CERTIFICATE OF MAILING

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ELI LILLY AND COMPANY

By

W B Broades

Date

4-2-99

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hermeling, Ronald N., et al.)
Serial No. : 09/209,799)
Filed : December 11, 1998) Group Art Unit:
For : GLUCAGON-LIKE PEPTIDE-1) 1646
CRYSTALS)
Docket No. : X-10242)

REQUEST FOR CORRECTED FILING RECEIPT (PTO-103X)

Assistant Commissioner for Patents
Application Processing Division,
Customer Correction Branch
Washington, D. C. 20231
Sir:

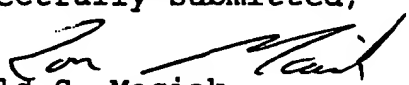
Applicants request that the filing receipt (PTO-103X) for this application be corrected, a copy of which is enclosed.

Priority information was omitted from the Filing Receipt. Please add the following statement:

"This application claims the benefit of U.S. Provisional Application No. 60/069728, filed December 16, 1997."

Applicants therefore request that the filing receipt be corrected.

Respectfully submitted,


Ronald S. Maciak
Attorney for Applicantw
Registration No. 35,262
Phone: 317-276-1664

Eli Lilly and Company
Patent Division/RSM
Lilly Corporate Center
Indianapolis, Indiana 46285

11 Apr / 99

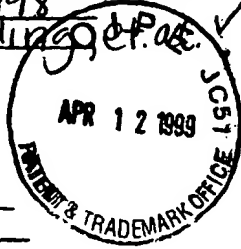
PATENT

Doc No. X-10242 Atty RSM

RECEIVED BY 1 UNITED STATES PATENT & TRADEMARK OFFICE:

Serial No. 09/209,799 OR Interference No. _____
Filed: Dec 11, 1998 Parties: _____
Applicants: Hennelung et al.

Response _____ Amendment/Response _____
IDS/1449 _____ Assignment/Cover Sheet _____
Notice of Appeal _____ Issue Fee _____
Letter Trans./Brief _____ Express Abandonment _____
Affirm 821/Diskette _____ Fee Authorization _____
Trans/Decl. Power Atty _____ Communication _____
Other Papers: _____



- Request For Corrected Filing Receipt (PTO-103X)
- Copy of Filing Receipt (PTO-103X)
Certificate of Mailing



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON D C 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/209,799 ✓	12/11/1998 ✓	1653	850	X-10242		25	3

CONFIRMATION NO. 6497 ✓

CORRECTED FILING RECEIPT



OC000000005915114

ROBERT A CONRAD
ELI LILLY AND COMPANY
PATENT DIVISION/RSM
LILLY CORPORATE CENTER
INDIANAPOLIS, IN 46285

Date Mailed: 03/29/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

RONALD NORBERT HERMELING, INDIANAPOLIS, IN; ✓
JAMES ARTHUR HOFFMANN, GREENWOOD, IN; ✓
CHAKAVARTHY NARASIMHAN, CARMEL, IN; ✓

RA

Continuing Data as Claimed by Applicant

Foreign Applications

If Required, Foreign Filing License Granted 01/28/1999

Projected Publication Date: 07/05/2001

Non-Publication Request: No

Early Publication Request: No

Title

GLUCAGON-LIKE PEPTIDE-1 CRYSTALS ✓

Preliminary Class

514

Data entry by : NGUYEN, TRAC

Team : OIPE

Date: 03/29/2001



CERTIFICATE OF MAILING

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ELI LILLY AND COMPANY

By Cynthia Craft

Date June 7, 2001

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ronald N. Hermeling, et al.)
Serial No. : 09/209,799)
Filed : December 11, 1998) Group Art Unit:
For : GLUCAGON-LIKE PEPTIDE-1) 1653
CRYSTALS)
Docket No. : X-10242)

REQUEST FOR CORRECTED FILING RECEIPT

PTO-103X

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

Sir:

Applicants request that the filing receipt PTO-103X for this application be corrected, a copy of which is enclosed.

The "Continuing Data as Claimed by Applicant" is not including on the Filing Receipt. It should read --PROVISIONAL APPLICATION NO. 60/069,728 DECEMBER 16, 1997--. Also, the last "Applicant(s)" listed is misspelled. It reads ...CHAKAVARTHY... NARASIMHAN, CARMEL, IN, it should read --CHAKRAVARTHY-- NARASIMHAN, CARMEL, IN.

Applicants therefore request that the filing receipt
be corrected.

Respectfully submitted,



Mark J. Stewart, Ph.D.
Attorney for Applicants
Registration No. 43,936
Phone: 317-276-0280

Eli Lilly and Company
Patent Division/MJS
Lilly Corporate Center
Indianapolis, Indiana 46285

June 7, 2001

PATENT

Dkt. No. X-10242 Atty MJS

RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Serial No. 09/209,799 OR Interference No. _____

Filed: December 11, 1998 Parties: _____

Applicants: R. Hermeling, et al. _____

Response _____

IDS/1449 _____

Notice of Appeal _____

Letter Trans./Brief _____

Affirm 821/Diskette _____

Trans./Decl. Power Atty _____

Other Papers: _____

Request for Corrected Filing Receipt

Copy of Filing Receipt

Certificate of Mailing



Amendment/Response _____

Assignment/Cover Sheet _____

Issue Fee _____

Express Abandonment _____

Fee Authorization _____

Communication _____

✓

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Cynthia Craft

Type or print name of person signing certification

Cynthia Craft
Signature

August 8, 2001
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hermeling, Ronald N., et al.)
Serial No. : 09/209,799)
Filed : December 11, 1998) Group Art Unit:
For : Glucagon-Like Peptide-1) 1653
Crystals) Examiner:
Docket No. : X-10242) F. Moezie

AMENDMENT AFTER FINAL REJECTION
UNDER 37 C.F.R. 1.116

Assistant Commissioner for Patents
Washington, D. C. 20231
Sir:

Per a phone conversation with the Examiner and Applicant's attorney on Monday, August 6, 2001, Applicants respectfully request that the Examiner enter the following amendments which the Examiner has indicated place the application in condition for allowance.

Claims 33 through 40, 42, and 75 through 76 are currently pending in the present application. The amendment presented below cancels claim 36, amends currently pending claims 33-35, 37-40, and 75, and adds new claims 77 through 79. Zinc and ammonium sulfate are now presented in separate claims. Ammonium sulfate is specified in new claims 77 through 79.

Please amend the Application as follows:

Cancel claim 36. Add new Claims 77 through 79.

33. (twice amended) Flat rod shaped or plate-like Val-8-Glucagon-like peptide-1(7-37)OH crystals of SEQ ID NO:5 prepared by crystallizing the peptide from an aqueous solution comprising the peptide and between about 2-15% (v/v) ethanol or propanol, the solution optionally comprising zinc and the crystals vary in size from between about 2-25 microns by 10-150 microns with a depth from about 0.5-5 microns.
34. (twice amended) The crystals of Claim 33 wherein the peptide in the solution is between about 1-10 mg/ml and pH is between about 6 and 7.
35. (twice amended) The crystals of Claim 34 wherein the peptide in the solution is between about 2-7 mg/ml and the ethanol is between about 3-13% (v/v).
37. (twice amended) The crystals of Claim 33 wherein the peptide in the solution is between about 1-20 mg/mL and molar ratio of zinc to peptide is between about 0.5 to 1.7 and pH is between about 7-10.
38. (twice amended) The crystals of Claim 37 wherein the peptide in the solution is between about 2-10 mg/mL and molar ratio of zinc to peptide is between about 0.6 to 1.5 and pH of the solution is between about 7.2-9.7.
39. (twice amended) Flat rod shaped or plate-like Val-8-Glucagon-like Peptide-1(7-37)OH crystals of SEQ ID NO:5 prepared by crystallizing the peptide from an aqueous solution comprising the peptide and between about 2-15% (w/v) of a mono or disaccharide selected from trehalose, mannitol, glucose, erythrose, ribose, galactose, fructose, maltose, sucrose or lactose, the solution optionally comprising zinc and the crystals vary in size from between about 2-25 microns by 10-150 microns with a

depth from about 0.5-5 microns.

40. (twice amended) A composition comprising the crystals of Claim 33 and a pharmaceutically acceptable carrier.
42. (amended) The composition of Claim 40 comprising zinc.
75. (amended) A composition comprising the crystals of Claim 39 and a pharmaceutically acceptable carrier.
76. (amended) The composition of Claim 75 comprising zinc.
77. (new) Flat rod shaped or plate-like Val-8-Glucagon-like peptide-1(7-37)OH crystals of SEQ ID NO:5 prepared by crystallizing the peptide from an aqueous solution comprising the peptide and between about 2-15% (v/v) ethanol or propanol, the solution optionally comprising ammonium sulfate and the crystals vary in size from between about 2-25 microns by 10-150 microns with a depth from about 0.5-5 microns.
78. (new) The crystals of Claim 77 wherein the ammonium sulfate is about 1% (w/v).
79. (new) Flat rod shaped or plate-like Val-8-Glucagon-like peptide-1(7-37)OH crystals of SEQ ID NO:5 prepared by crystallizing the peptide from an aqueous solution comprising the peptide and between about 2-15% (w/v) of a mono or disaccharide selected from trehalose, mannitol, glucose, erythrose, ribose, galactose, fructose, maltose, sucrose or lactose, the solution optionally comprising ammonium sulfate and the crystals vary in size from between about 2-25 microns by 10-150 microns with a depth from about 0.5-5 microns.

Remarks

New Claims 77 through 79 are derived from currently pending claims 33, 36, and 39. The currently pending

claims recite the optional addition of ammonium sulfate or zinc. The amendment presented above deletes ammonium sulfate from claims 33 and 39. New Claims 77 through 79 recite the optional addition of ammonium sulfate. Claim 36 was deleted and is now presented as new Claim 78. Claims 40 and 75 add the limitation that the composition contain a "pharmaceutically acceptable carrier." Pharmaceutically acceptable carriers are discussed in the Specification on page 13, line 3.

Respectfully submitted,



Mark J. Stewart
Attorney for Applicants
Registration No. 43,936
Phone: 317-276-0280

Eli Lilly and Company
Patent Division/MJS
Lilly Corporate Center
Indianapolis, Indiana 46285

August 8, 2001

Art Unit: 1653

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Stewart on August 8, 2001.

2. The application has been amended as follows:

In claim 33 (twice amended), line 6, following "zinc" delete "and" and insert --;--.

In claim 37 (twice amended), line 4, delete "and" and insert --at-- and delete "is" and insert --of--.

In claim 38 (twice amended), line 3, before "peptide" inset --the-- and on line 4, delete "and" and insert --at-- and delete "the solution is".

In claim 39 (twice amended), line 7, following "lactose" delete "," and insert --;-- and on line 8, following "zinc" delete "and" and insert --;--.

In claim 77 (new), line 6, following "sulfate" delete "and" and insert --;--.

In claim 78 (new), line 2, before "." insert --of the solution--.

In claim 79 (new), line 7, following "lactose" delete "," and inset --;-- and on line 8, following "sulfate" delete "and" and insert --;--.

Art Unit: 1653

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F.T. Moezie whose telephone number is (703) 305-4508 or Dr. LOW (SPE) at 308-2923.

F.T. Moezie
F.T. MOEZIE, Ph.D.
PRIMARY EXAMINER
ART UNIT 186
1653

August 8, 2001